

REMARKS

By this Amendment, claim 23 is amended, claim 32 is added, and claims 24, 27 and 30 are canceled, without prejudice to or disclaimer of the subject matter recited therein. Accordingly, claims 1-23, 25-26 and 28-32 are pending in this application. No new matter is added. Reconsideration of the application is respectfully requested.

Applicant respectfully requests that a personal interview be granted to Applicant's representative prior to further action by the Examiner. Applicant believes such an interview is proper in view of MPEP §§706.07(b) and 713.02 and the concurrent filing of a Request for Continued Examination (a continuing application). The Examiner is invited to contact Applicant's undersigned representative to schedule a personal interview at his earliest convenience.

The Office Action objects to the Abstract for various informalities. These informalities are corrected in the Substitute Abstract submitted herewith. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

The Office Action rejects claims 23, 26 and 29 under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2002/0018688 to Dumler et al. (Dumler). This rejection is respectfully traversed.

Independent claim 23 recites, *inter alia*, a coupling member comprising a tubular body defining two housings at axially opposite ends, each housing lacking a thread. It is respectfully submitted that Dumler does not disclose, teach or suggest these features.

The Office Action refers to Fig. 9 of Dumler as disclosing a coupling member having two housings 4c and 6c that frictionally engage respective receptacles 7 and 8. However, each of the housings 4c and 6c respectively include an internal thread 13c and a fine internal thread 25. See Fig. 9 and paragraph [0035] of Dumler. Dumler does not disclose any

embodiment that lacks a thread. Thus, Dumler cannot reasonably be considered to disclose, teach or suggest the features recited in independent claim 23.

Therefore, it is respectfully submitted that claim 23 is patentable over Dumler. Claims 26 and 29 depend from claim 23 and are patentable over Dumler at least in view of such dependence, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1-3, 5-8, 15-18, 20-22, 25, 28 and 31 under 35 U.S.C. §103(a) over Dumler in view of U.S. Patent No. 5,884,678 to Chudy. This rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, at least one coupling member that is at least partially elastically deformable. Independent claim 25 similarly recites, *inter alia*, a coupling member made of elastomer. It is respectfully submitted that neither Dumler nor Chudy, alone or in permissible combination, discloses, teaches or suggests these features.

As admitted by the Office Action, Dumler does not disclose, teach or suggest a coupling member that is elastically deformable or made of elastomer.

The Office Action relies upon Chudy to allegedly remedy this deficiency of Dumler, asserting that "it would have been obvious . . . to form the coupling member 22 in the Dumler device from an elastic material in order to enable the member to adapt to receptacles of various sizes" and that "this coupling member can also obviously be made from elastomeric material." Applicant respectfully disagrees with the assertions set forth in the Office Action.

A person of ordinary skill in the art would not have been motivated to form the coupling member of Dumler from an elastic material as alleged by the Office Action. Such a modification would render the coupling member of Dumler unsuitable for its intended purpose. As set forth in MPEP §2143.01, if the proposed modification would render the prior

art invention unsuitable for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

As noted above, in every embodiment disclosed by Dumler, the coupling member is internally threaded. For example, the coupling member 22 referred to in the Office Action includes an internal thread 21 that engages external threads 19 and 20, respectively, to screw the members 4a and 6a into the coupling member 22. See Fig. 7 and paragraph [0032] of Dumler. Thus, the coupling member 22 of Dumler is specifically designed to have an internal thread to engage members 4a, 6a with corresponding threads. The coupling members 4, 6, 4a, 6a, 4b, 6b, 4c and 6c all include internal threads to engage receptacles with corresponding threads.

Forming the coupling member 22 or the coupling members 4, 6, 4a, 6a, 4b, 6b, 4c and 6c from an elastic material would render the coupling members of Dumler unsuitable for their intended purpose. An elastic material would be unsuitable for screwing, as specifically taught by Dumler, because deformation of elastic threads would inhibit or even prevent screwing engagement. Also, an elastic material would be unsuitable because it would defeat the secure engagement provided by the engagement of threads as taught by Dumler, because deformation of elastic threads would allow easy disengagement.

Moreover, the alleged motivation is improper.

With respect to claim 1, the Office Action alleges that the motivation would have been "to enable the member to adapt to receptacles of various sizes." However, this alleged motivation is inapposite to the device taught by Dumler because one of ordinary skill in the art would understand that, regardless of the size of the receptacle, the threaded portion of the coupling member must be of an appropriate diameter to engage the threaded portion of the receptacle. In other words, a person of ordinary skill in the art would have understood that the coupling members taught by Dumler are designed to have a diameter to fit with a threaded

portion of a receptacle having a corresponding diameter. Thus, one of ordinary skill in the art would not have been motivated to modify the coupling members disclosed by Dumler to be made of an elastic material to adapt to receptacles of various sizes, but would merely change the diameter of the threaded portion of the coupling members as needed for engaging the threaded portions of various receptacles.

With respect to claim 25, the Office Action only asserts that the coupling member can "obviously" be made from elastomeric material based on the same reasoning as asserted with respect to claim 1. For the reasons discussed above, Applicant respectfully submits that one skilled in the art would not have been motivated to modify the device of Dumler as alleged by the Office Action.

In view of the foregoing, Applicant respectfully submits that the alleged combination of Dumler and Chudy and the alleged modification are based on impermissible hindsight in view of Applicant's claims.

Therefore, it is respectfully submitted that claims 1 and 25 are patentable over Dumler and Chudy. Claims 2-3, 5-8, 15-18, 20-22, 28 and 31 variously depend from claims 1 and 25 and are patentable over Dumler and Chudy at least in view of such dependence, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

Upon allowance of claim 1, rejoinder and allowance of withdrawn claims 4, 9-14 and 19 are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-23, 25-26 and 28-32 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time
Substitute Abstract

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